

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CITIGROUP GLOBAL MARKETS)
INC. (f/k/a SALOMON SMITH)
BARNEY INC.), et al.,)

Plaintiffs,)

vs.)

Case No. 4:06MC696 CDP

ANTHONY L. ARAKKAL and)
BRIDGET ARAKKAL,)

Defendants.)

MEMORANDUM AND ORDER

This case is a summary proceeding for confirmation of an arbitration award under 9 U.S.C. § 9. Plaintiffs' motion prays for confirmation of an award entered against Anthony L. Arakkal and Bridget Arakkal on May 10, 2006. Plaintiffs' motion asserts that this court has jurisdiction over this matter under the Federal Arbitration Act. The motion states that the arbitration took place before a panel of arbitrators in St. Louis County, Missouri during nine days in April and May of 2006.

Plaintiffs assert that defendants are residents of St. Louis, Missouri. Plaintiffs have not attached to their motion any kind of certificate stating that they have served defendants with this motion.

Plaintiffs' motion does not contain sufficient information to demonstrate that defendants have been properly notified of this proceeding in accordance with the FAA. 9 U.S.C. § 9 provides:

If the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration, and shall specify the court, then at any time within one year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and thereupon the court must grant such an order unless the award is vacated, modified, or corrected as prescribed in sections 10 and 11 of this title. If no court is specified in the agreement of the parties, then such application may be made to the United States court in and for the district within which such award was made. Notice of the application shall be served upon the adverse party, and thereupon the court shall have jurisdiction of such party as though he had appeared generally in the proceeding. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as proscribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court.


9 U.S.C. § 9. Plaintiffs' motion states that defendants are residents of this district.

Therefore, service must be made "as proscribed by law for service of notice of motion in an action in the same court." As noted above, plaintiffs have not indicated that they have served defendants with this motion in any manner.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs shall supplement their motion

to confirm arbitration award within five (5) days of the date of this Order to provide this Court with sufficient information to demonstrate that defendants have been properly notified of this action in accordance with the provisions of 9 U.S.C. § 9, or plaintiffs shall, within that time, notify the court of any steps they are taking to effect proper notice.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 25th day of January, 2007.